

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of FirstWorld  
Anaheim (U-5702-C) to Withdraw From Local  
Exchange Service.

Application 01-05-022  
(Filed May 9, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REQUESTING FURTHER INFORMATION**

Section XIV of the Commission's General Order (GO) 96-A provides that: "No public utility of a class specified herein shall, unless authority has been obtained from the Commission, either withdraw entirely from public service or withdraw from public service in any portion of the territory served." The first notice sent by FirstWorld Anaheim (Applicant) informs its customers that it will withdraw from service effective May 15, 2001. The notice makes no mention of the fact that the Commission's approval must be obtained before withdrawal. It also does not indicate that an application will be filed.

Applicant's second notice is identical to the first notice except that it informs customers that service will be discontinued starting June 16, 2001.

Applicant interrupted service to three customers on or about June 28, 2001 for failure to respond to the notices. Nothing in its tariff appears to allow such interruptions.

The notices appear to be false and misleading because they lead customers to believe that Applicant can discontinue service on the specified dates without prior Commission approval. In addition, the June 28, 2001 service interruptions appear to be in violation of Applicant's tariffs. As a result, I am considering

recommending to the Commission that Applicant pay reparations to the effected customers, pay fines for the violations, and have its Certificate of Public Convenience and Necessity (CPCN) revoked.

**IT IS RULED** that FirstWorld Anaheim shall file and serve the following by November 14, 2001.

- a. The number of affected customers currently remaining.
- b. A full and complete explanation of Applicant's authority for the interruptions of service to three customers on or about June 28, 2001. Include copies of relevant tariff language or other authorities.
- c. If Applicant has conducted further service interruptions, describe them, and explain the reasons and authority for them.
- d. A full and complete explanation of why Applicant should not be found to have effectively withdrawn from service, by sending false and misleading notices to its customers, in violation of General Order (GO) 96-A, Section XIV.
- e. A full and complete explanation of why Applicant should not be found to have violated its tariffs when it interrupted service to three customers on or about June 28, 2001.
- f. A full and complete explanation of why Applicant should not be fined for violations of GO 96-A, Section XIV, and its tariffs as indicated above.
- g. A full and complete explanation of why Applicant should not be required to pay restitution to the affected customers for any increased costs paid by the customer to the receiving carrier for services comparable to the services the customer would have received if he or she had remained with Applicant.

- h. A full and complete explanation of why Applicant's Certificate of Public Convenience and Necessity (CPCN) should not be revoked for violations of GO 96-A, Section XIV, and its tariffs as indicated above. (The application is unclear as to whether Applicant wants to retain its CPCN.)
- i. Any other relevant information that Applicant believes should be considered by the Commission in addressing this application, including, but not limited to potential fines, restitution, revocation of its CPCN, and its motion for confidential treatment.

Dated October 31, 2001, at San Francisco, California.

/s/ JEFFREY P. O'DONNELL

Jeffrey P. O'Donnell  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requesting Further Information on all parties of record in this proceeding or their attorneys of record.

Dated October 31, 2001, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.